

REMARKS

Applicants request favorable reconsideration of this application in view of the following remarks. Of claims 1, 2, 4-13, and 15-20 that were pending in the application, claims 1, 2, 4, 5, 8-10, and 12 were rejected in the Office Action. Applicants greatly appreciate the allowance of claims 6-7, 11-13, and 15-20. No amendments have been made and, therefore, claims 1, 2, 4-13, and 15-20 are respectfully presented for further consideration.

1. Rejection of Claims 1, 2, 4, 5, 8-10, and 12

The Examiner rejected claims 1, 2, 4, 5, 8-10, and 12 under 35 U.S.C. § 103(a) as allegedly being obvious when considering U.S. Patent No. 6,306,057 (“Morisawa”) in view of U.S. Patent Nos. 6,434,928 (“Manaka”) and 6,443,283 (“Augenstein”). For the following reasons, Applicants respectfully traverse this rejection.

As previously presented, claim 1 (*i.e.*, the claim from which claims 2, 4, 5, 8-10, and 12 depend) recites a drive apparatus for a hybrid vehicle. The drive apparatus includes, among other possible things (*italic and underline emphasis added*):

- an internal combustion engine;
- a damper connected on one side thereof to a rear of the engine;
- a motor-generator connected on one side thereof to another side of the damper,
the motor-generator being capable of starting the engine;
- a magnetic clutch connected on one side thereof to another side of the motor-generator, the magnetic clutch being configured to engage by electromagnetic force;
- a transmission connected to the internal combustion engine via the damper, the motor-generator, and the clutch;
- a starter motor connected to the damper, the starter motor being capable of starting the engine; and
- a dividing wall *of magnetic material* that is disposed between the *motor-generator* and the *magnetic clutch*.

As hereafter explained in detail, the combination of Morisawa, Manaka, and Augenstein fails to teach or suggest such a drive apparatus.

In rejecting claim 1, the Examiner admits that neither Morisawa nor Manaka teaches or suggests “a dividing wall of magnetic material,” as above-recited in claim 1. Accordingly, to cure this deficiency, the Examiner turns to Augenstein and its teachings of a fluid friction clutch that includes an armature plate 16 and a conductive ring 21. The Examiner’s reliance on Augenstein is, however, misplaced for at least two reasons.

The armature plate 16 and the conductive ring 21 of Augenstein are, as asserted by the Examiner, formed of magnetic material. *See, e.g.*, col. 3, lines 18 and 25. Both the armature

plate 16 and the conductive ring 21, however, are part of the magnetic clutch. Specifically, Augenstein states (*italic emphasis added*):

In the position represented, the electromagnetic coil 24 is energized, so that the *magnetic lines of force run through* the ring 23 to *the first conducting ring 21*, from there through the gap 20 to the second conducting ring 19 *and through the armature plate 16* to the projection 3a and through the latter back through shaft 3 to the mounting ring 27.

Augenstein at col. 3, lines 37-44. As the armature plate 16 and the conductive ring 21 are part of the magnetic clutch, they can not also be “disposed *between* the motor-generator and the magnetic clutch.” In other words, it is impossible for a first item to be between itself and a second item; rather, the two items are merely separated without anything specifically therebetween. For this reason alone, Augenstein fails to cure the deficiencies of Morisawa and Manaka.

In addition, however, the dividing wall (*e.g.*, the front cover 1a) of the embodiment recited in claim 1 “serves to *prevent* magnetic force” of the motor-generator 20 from affecting the magnetic clutch 30 by being disposed between the motor-generator 20 and the magnetic clutch 30 and by being formed of magnetic material. *See* application at ¶ [0016]; Fig. 2. As a result, whereas the dividing wall of the embodiment recited in claim 1 *prevents* the magnetic force of the motor-generator 20 from affecting the magnetic clutch 30, the armature 16 and the conductive ring 21 of Augenstein *transmit* the magnetic force by enabling the “magnetic lines of force” to run therethrough. As a result, claim 1 is also allowable over the combination of Morisawa, Manaka, and Augenstein for this second reason.

In light of at least the foregoing reasons, it is clear that the combination of Morisawa, Manaka, and Augenstein fails to teach or suggest at least “a dividing wall of *magnetic material* that is disposed *between* the motor-generator and the magnetic clutch,” as above-italicized in claim 1. Accordingly, the combination of Morisawa, Manaka, and Augenstein can not be used to reject claim 1, or any claim dependent thereon, under 35 U.S.C. § 103(a). Moreover, as claims 2, 4, 5, 8-10, and 12 depend from claim 1, each of these dependent claims is also allowable over the combination of Morisawa, Manaka, and Augenstein, without regard to the other patentable limitations recited therein. In light of the foregoing, a withdrawal of the rejection of claims 1, 2, 4, 5, 8-10, and 12 under § 103(a) is both warranted and earnestly solicited.

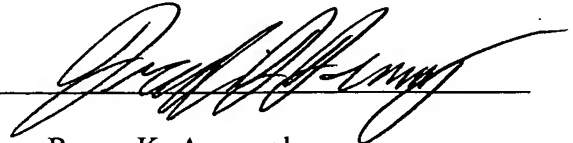
CONCLUSION

For the aforementioned reasons, claims 1, 2, 4-13, and 15-20 are now in condition for allowance. A Notice of Allowance at an early date is respectfully requested. The Examiner is invited to contact the undersigned if such communication would expedite the prosecution of the application.

Respectfully submitted,

Date DEC 22 2005

By



Pavan K. Agarwal
Registration No. 40,888

Customer Number: 22428
FOLEY & LARDNER LLP
3000 K Street, N.W.
Suite 500
Washington, D.C. 20007-5143

Frederic T. Tenney
Registration No. 47,131

Telephone: (202) 672-5300
Facsimile: (202) 672-5399

Attorneys for Applicants

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED REGARDING THIS APPLICATION UNDER 37 C.F.R. §§ 1.16-1.17, OR CREDIT ANY OVERPAYMENT, TO DEPOSIT ACCOUNT NO. 19-0741. SHOULD NO PROPER PAYMENT BE ENCLOSED HERewith, AS BY A CHECK BEING IN THE WRONG AMOUNT, UNSIGNED, POST-DATED, OTHERWISE IMPROPER OR INFORMAL OR EVEN ENTIRELY MISSING, THE COMMISSIONER IS AUTHORIZED TO CHARGE THE UNPAID AMOUNT TO DEPOSIT ACCOUNT NO. 19-0741. IF ANY EXTENSIONS OF TIME ARE NEEDED FOR TIMELY ACCEPTANCE OF PAPERS SUBMITTED HERewith, APPLICANT HEREBY PETITIONS FOR SUCH EXTENSION UNDER 37 C.F.R. § 1.136 AND AUTHORIZES PAYMENT OF ANY SUCH EXTENSIONS FEES TO DEPOSIT ACCOUNT NO. 19-0741.